

REMARKS

The Examiner has rejected claims 1-14 and 31-35, and has allowed claims 15-30. Applicant acknowledges and appreciates the Examiner's statement regarding allowance of claims 15-30. By the present amendment, claims 1, 8 and 31 have been amended. After the present amendment, claims 1-35 are pending in the present application. Applicant respectfully requests reconsideration and allowance of claims 1-14 and 31-35 for the reasons stated below.

A. Rejection of Claims 1-14 and 31-35 Under 35 USC §102(b)

The Examiner has rejected claims 1-14 and 31-35 under 35 USC §102(b) as being anticipated by Mark (USPN 5,583,933) (hereinafter "Mark"). For the reasons that follow, applicant respectfully submits that independent claims 1, 8 and 31, as amended, are patentably distinguishable over Mark.

The Examiner has cited col. 29, line 1 through col. 36, line 47 of Mark, as disclosing the invention of independent claims 1, 8 and 31. It is respectfully submitted that Mark is directed at a sharply different concept than that of claims 1, 8 and 31, as amended. Mark describes a data encryption scheme using DTMF tone signals. Because variations in characteristics of the DTMF tone signals are permitted by the standard DTMF detectors, Mark has utilized these permissible variations to encode information by "assigning selected values to the different alterable characteristics of a DTMF signal that can be changed without affecting the signal's ability to meet the ... requirements for a valid DTMF signal" (See col. 29, lines 1-20 and 61-64.) For example, Mark illustrates in FIGs. 11-13 how to encode a seven digit number "into the DTMF tone pair representing the digital three without affecting the ability of a standard DTMF detector

to decode the tone pair.” (Col. 31, lines 1-5.) In other words, Mark teaches the transmission of “encoded DTMF signals.” (Col. 31, line 10.) In sum, Mark does not teach the transmission or reception of data that represent DTMF tone signals, but Mark necessitates and depends upon transmission and reception of the actual DTMF tone signals, because Mark varies the characteristics of DTMF tone signals to “piggy-back” or encode information, and thus, the decoder of Mark receives DTMF tone signals and not data representing (or being indicative) of DTMF tone signals. (Col. 33, lines 19-22.)

In sharp contrast, the present application describes transmission of the tone data, rather than the actual tone signals. To be clear, Mark teaches that DTMF high and low tone signals are transmitted and detected, whereas, according to the present invention, data packets are transmitted that are indicative of the tone signals, and the actual tone signals are not transmitted. For example, claim 1, as amended, recites “receiving a first tone data and a first tone duration, said first tone data being indicative of a first tone.” Mark fails to teach such limitation. For example, because Mark teaches the transmission of the actual tone signals, there is no teaching in Mark that the tone duration is transmitted. This is because, in Mark, the detector measures the length of time that the tone is actually on.

Because Mark is fundamentally different than the present application, the other elements of claim 1 are also missing, such as buffering the tone data, retrieving the tone data from the buffer, generating the tone corresponding to the tone data for at least a predetermined period, where the predetermined period is independent of the first tone duration, waiting for a second predetermined period after the tone, For example, because the decoder (or detector) in Mark receives the DTMF tone signals and not the DTMF tone data, it is meaningless for Mark’s

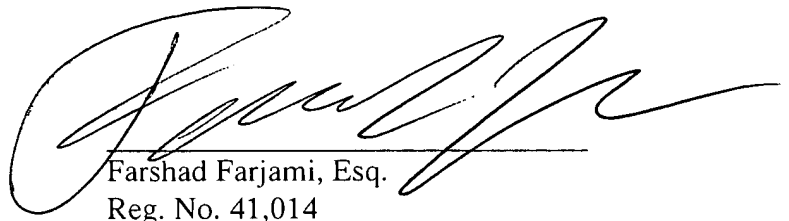
decoder to buffer DTMF tone signal and/or generate DTMF signals. There is no generation of tone signals by Mark's decoder. Mark's decoder simply receives the tone signals, like a standard DTMF detector, and detects the tone signals. Furthermore, there is no teaching in Mark that "the predetermined period is independent of the first tone duration." As stated above, Mark does not even teach receiving "a first tone duration", let alone generating the first tone for a predetermined period that is independent of the first tone duration.

Accordingly, applicant respectfully submits that claim 1 and its dependent claims 2-7 should be allowed for the reasons stated above. Further, claims 8 and 31, and their respective dependent claims 9-14 and 32-35 should be allowed at least for similar reasons stated above in conjunction with patentability of claim 1.

B. Conclusion

For all the foregoing reasons, an early allowance of claims 8, 11, 20, 22 and 24-28, 30, 32-38, 40-46 and 48 pending in the present application are respectfully requested.

Respectfully Submitted;
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